

UPPER YELLOWSTONE WATERSHED BASIN

MILL CREEK SUBCOMMITTEE

*February 15, 2008 - 1:00PM
Livingston, USDA Conference Room*

-MINUTES-

People Present (12)

Alan Redfield, Chairman
Lynda Moss
Jim Robinson, DNRC
Scott Optiz, FWP
Ron Pihl
Keith Neal

Laura Melin
Elaine Hale
Sharon Sweeney Fee, Joe Brook T.U.
Kerry Fee, Joe Brook T.U.
Don A. Williams
Jacquie Nelson, Watershed Coordinator

Topics Covered:

1. Financial
2. Communications
3. Hydrology & Monitoring Plan
4. Chair and Operations
5. Optiz's 2006 Letter
6. Gauge Request to USBR
7. Next Meeting
8. Open Items

1. FINANCIAL

- Sharon submitted an application* for the Montana Trout Unlimited mini-grant in the amount of \$3,510.00 to cover communication and coordination costs for the Mill Creek Subcommittee. If the group receives this grant it would cover coordination costs from April 1, 2008 to September 30, 2009. This grant would not cover the cost of monitoring Mill Creek; another grant will be needed to pursue that route. Kerry mentioned that Joe Brooks Chapter #25 of TU will do all the accounting and manage the grant for the Mill Creek Subcommittee. Kerry feels like we should keep everything as local as possible.
- On March 15, 2008 Kerry will put Mill Creek in the Joe Brooks TU as a line item in their budget. Alan wanted to know if the Mill Creek Subcommittee would have to work out a budget. Kerry said that the line items don't need a detailed budget.
- Kerry – Another possible grant to use would be the National TU grant called "Embrace a Stream". This grant would help fund the Mill Creek projects for a year. Match funds are required at 50/50.
- Jacquie – Another possible funding opportunity would be the Department of Environmental Quality (DEQ) grants. Right now the two watersheds are in the middle of combining four existing grants into one grant that would help fund water quality concerns in both the Shields and Upper Yellowstone watershed. Jacquie doesn't know if Mill Creek would qualify under this grant. She thinks it is mainly for TMDL studies and coordination for running the watersheds.
- Jacquie – The current WPA grants the watershed has would not be feasible to get funds to help with Mill Creek coordination because all the money is already tied up with monthly watershed meetings not including Mill Creek meetings.
- Alan – Can Keith read/monitor up Mill Creek?
- Keith – It would take close to 2 hour do accomplish.
- Alan – Are you going to have time? Is Keith willing?
- Jim – We would need Keith during the irrigation season (May to Oct) not everyday.
- Keith – Rate = \$75/day. Keith also maintains the pipeline and gets \$25/hour to do that.
- Alan – The \$75/day is not worth it, and that is without the mileage. 2003 that was the last time Keith was a ditch writer.
- Jim – We have to find money the fund monitoring and measuring during low water and to replace the USGS gauge. There is approximately 30 million dollars from the federal government authorized for restoration work on the Yellowstone River and its' tributaries

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through the Water Resources Development Act of 2008 (WRDA, 2008). Mill Creek could possibly get funding through this, but we need to demonstrate a potential for improving habitat.

- Kerry – Section 31-10 explained the WRDA would be available to the whole Yellowstone River outside the Park and its tributaries. Kerry thinks that Mill Creek is a possibility for the WRDA money. If we applied now the money might be available in 2009. However, if you apply after February, the money won't be available until 2010. You need to go to Baucus' office with a budget. The Army Corps of Engineers are not involved now but they will be soon.
- Sharon - Possibility use the money to fund more efficient irrigation systems to keep more water in Mill Creek.
- Alan – Forgetting one thing; the pipeline took care of a lot of the ditch loss. People's dream is to have Mill Creek run all year around. A lady asked Alan the other day "Why don't the ranchers compromise?" For ranchers to give up the water they have to give up something. So, what are you willing to give up or what would you give to have water in Mill Creek?
- Jim – We want to squeeze every last bit of water out of Mill Creek. The pipeline has reduced water loss from 80% to 40%. Some restoration funding needs to go into things like this.
- Alan – What about using WRDA to pump water out of the Yellowstone River up to Mill Creek (Off-stream impoundment of high water)?
- Alan – There are many ways to improve the efficiency. Moving Mill Creek culverts (Rock Creek), weed control (big issue along with cottonwoods...) lining the canals. However, when it comes to the canals, some landowners have an easement that wouldn't let them line with sealant.
- Lynda – All ideas are important and maintaining a healthy watershed. Interests: agencies, ranchers, watershed, and landowners. Committed to looking forward with some form to this process. In Colorado, they are putting together an organization to fund watersheds with problems like ours.
- Scott – FWP has in-stream flow water rights up Mill Creek.
- Alan – If you don't use the water, the junior user has the right to use it. To change water law, it would be a can of worms to get into.
- Jim – Showed a map of Mill Creek and talked about ownership.
- Keith – The earliest water right up Mill Creek is 1887.
- Elaine – The water rights information should be available to everyone – transparent. The public trust doctrine says it is public water.
- Alan – The public trust doctrine says you have the right to use the water not own.
- Jim – We are looking for a solution that is within the existing legal framework. WRDA simply authorized funding for restoration projects, there is no money appropriated yet.
- Kerry – TU would be glad to work with this. They understand the federal budgeting cycle and TU wants to work with the landowners. They only want to help and not tell anyone what to do.
- Ron – How much resistance from landowners did you get when you put the pipeline in?
- Alan – Not many.
- Sharon – This monitoring will help secure future funding on Mill Creek from WRDA.
- Scott – Don't get your hopes up about getting money from WRDA. You don't know if there is any WRDA money until the money actually hits the ground or until we get out of a war. For now think about other sources of funding. But by all means compete for it.
- Sharon – The more money you can find the fewer burdens on the landowners.
- Scott – Compromise. At least put some money in, would landowners be willing?
- Alan - \$5 to \$10/acre would be reasonable with the price of gas and electricity.
- Scott – Labor can be counted as matching funds, but keep it in perspective.
- Kerry – The WRDA is a 65/35 (65 government and 35 match).
- Scott – Future Fisheries is another grant that is available, its small amounts.
- Jim – What about PL556 NRCS? Does NRCS have funding for anything like this?

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2. COMMUNICATIONS

- Jacquie – Has a list of email and mailing addresses from the watershed and Lynda's list to send meeting notices out. Once the grant goes through Jacquie will put a mailing list together. At this point we are waiting.

3. HYDROLOGY & MONITORING PLAN

- Jim passed out handouts* on Mill Creek history and future monitoring plan.
Dated: February 15, 2008
To: Mill Creek Sub-Committee.
From: Dave Amman, Hydrologist, DNRC Water Measurement Program.
Re: Mill Creek Water Measurement History, Data Review, Monitoring Plan.
Jim summarized and read from the document, highlighting the important parts.
- Page 6 in the handout listed the proposed monitoring sites in the Mill Creek basin and monitoring plan. It lists 8 stations which 5 out of the 8 are sites monitored with the use of rated staff gauges (RS). These are the staff gauges that Keith Neal would be reading.
- Alan – Some staff gauges are non-functional and will need replacements. He knows that the Canal gauge works.
- Keith – Allen-Sexton's is a Parshall Flume. There is not measuring device on Jerry Petrige's ditch. If there is a flume on Carter's ditch, he couldn't find it but he hasn't looked that hard. There are other ditches that are not listed under the monitoring sites that should be. All staff gauges will need to be recalculated or a flume should be put in.
- Jim wants Keith to look over the monitoring plan and give advice and/or more advice.
- Jim – This is the plan: Give input, target the month of May to go look at the sites and see what needs repairs. Rated staff gauges would start after high water. We need someone local to go out daily to take water measurements. Find a grant to fund these actions.
- Alan – Ranchers wont petition the court for a water right holder This would cost then approximately \$250
- Lynda – A lot of people don't even have water rights and they would be willing to help with the costs.
- Alan – Alan thinks this would get slammed down on the ranchers if it went to court.
- Sharon – We should be able to find funds to pay Keith instead of going through the court system.
- Keith – One day/week should be enough time. One day/week at 2hour/day \$75/week at about 14 weeks.
- Jim – How many people don't have measuring devices?
- Keith – Three people. However, one of them doesn't need it because it will be dry.

4. CHAIR & OPERATIONS

- Alan was appointed and volunteered at the Upper Yellowstone Watershed Basin meeting to be chairman of the Mill Creek Subcommittee. Everyone present agreed Alan should continue as Chairman.
- There was discussion about appointing a co-chair to the Mill Creek Subcommittee. The co-chair would help with outlining the agendas for the meetings and take turns running the meetings with Alan or fill in when Alan can't make it.
- It was a consensus of those present to elect Elaine as the Mill Creek Subcommittee co-chair.

5. OPITZ'S 2006 LETTER

- Jim brought a letter* wrote in 2006 by Scott Opitz, Livingston Area Fisheries Biologist with Montana Fish Wildlife and Parks about the Yellowstone cutthroat trout in Mill Creek addressed to the Mill Creek Water Users and Paradise Valley Residents. In this letter Scott wrote, "Simply put, if we can maintain a consistent flow of 13 cfs at the East River Road bridge through

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August, we will be able to restore a healthy reproducing population of Yellowstone cutthroat trout, especially if we are able to couple a short-term flushing flow during the middle of August.”

- Jim & Sharon – Based from that letter it sounds like our goal should be getting about 13 cfs in Mill Creek.
- Also from the letter: “In the Big Hole and Jefferson rivers, for instance, watershed groups like the UYWB have built bridges between ranchers, irrigators, anglers and concerned residents to address drought situations. In those basins, the community has banded together to implement water conservation projects and restore streamflows at critical times. They have used a variety of tools like voluntary conservation during critical times, drilling stockwater wells, improving irrigation efficiency, and leasing irrigation water.”
- Scott – 13 cfs is based off FWP and what they were shooting for. This was made by shutting the pipeline off. If you decide to attempt with water leases, everyone has to be on board, i.e. outfitters, boaters, landowners, Sr. & Jr. water right owners etc.
- Jim – John Olsen, the author of the Paradise Valley groundwater study, no longer works for Montana Bureau of Mines and Geology, however, his report is online at the Mill Creek Subcommittee website*.

6. GAUGE REQUEST TO USBR

- Jim handed out the Bureau of Reclamation Great Plains Region – Reclamation States Emergency Drought Act of 1991 criteria for funding*. “The drought program provides limited funding to assist in relieving the impacts to water supplies due to a drought. Affected entities can propose projects and receive funding per the requirements of the Act.” “The act has three titles. Title I addresses construction to minimize loss or damage from drought. Projects under Title I can include drilling wells for communities, drill wells to supplement springs, hauling water, and fish and wildlife projects among others. Title II is for planning activities and installation of stream gages and climatological stations. Title III only concerns the state of California.” There is no required match and no deadline.
- Jim proposes using this program to fund a gauge system year around.
- Alan – This might be a good funding source for a snow-tell site up Mill Creek.
- Jim wants the committee’s permission to pursue the USBR funding source for a gauge. Sponsorship would come through the Park CD office.
- The Mill Creek Subcommittee approved for Jim to apply.
- Jim will look into this funding source and get back to the subcommittee.

7. NEXT MEETING

- Next meeting is set for April 18th at 1:00 in Emigrant at the St. John’s Church.
- Alan will call ahead and reserve the church for this date.

8. OPEN ITEMS

- Keith – Mill creek is a spawning stream, would it work to pump water up the creek or would this damage the fish’s sent gland?
- Laura addressed her concern about the cutthroats mixing with the rainbows.
- Scott – There is a possibility to loose a lot of pure cutthroat trout due to the Mill Creek fire.

* Document available through Jacquie Nelson or can be found on the Mill Creek website:
http://dnrc.mt.gov/wrd/water_mgmt/planning_activities/mill_creek/